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The Chivalry Hypothesis & Filicide: Are There Categorical Differences between Mothers & Fathers who kill their Children?

MEGHAN CHASE

Meghan is a senior majoring in Criminal Justice with a minor in Psychology. Her research was made possible by the Adrian Tinsley Summer Research Grant program for undergraduate students. Meghan's research project was initiated by her professor and advisor, Dr. Richard Wright. Dr. Wright provided support and encouragement by acting as Meghan's mentor throughout the research process. Mrs. Chase presented her research at the annual meeting of the American Society of Criminology in Atlanta, Georgia this past November. Meghan plans to attend graduate school for either law or criminal justice.

Filicide, (not to be confused with neonaticide or infanticide), is the killing of a child, male or female, by their mother or father (Laporte et al, 2003). Filicide has been a problem in virtually every culture at one time or another (Meyer & Oberman, 2001). In discussing filicide it is critical to explore the scope of the problem.

In 2005, approximately 1,460 children died due to child abuse or neglect. The rate of child fatalities was 1.96 deaths for every 100,000 children. Over 40 % of child fatalities were caused by neglect, although, physical abuse was also a critical factor in child fatalities. It is estimated that 76.6% of children who perished due to child abuse and neglect were younger than four years old. Sadly., 80% of the time, the perpetrator is one of the child's parents (Administration for Children and Families, 2005).

There are several common factors found in mothers who commit filicide. These characteristics include: a history of domestic abuse, suicidal ideation, substance abuse, unmarried status, young age, and low socioeconomic status. In addition, there are especially high rates of depression and psychosis in women who commit child homicide. The majority of women who commit maternal filicide do so due to a mental illness. Often times, there is also a previous history of abuse of the child (Freidman et al, 2005).

Unfortunately, studies are not definitive in the relationship between mental illness and maternal filicide because elements and characteristics that are related to maternal filicide differ in women who do not suffer from psychosis. Therefore, there is no concrete way to determine who will commit maternal filicide. Research has determined who is at risk to do so. Another reason it is difficult to understand why a mother would participate in maternal filicide is because many of these cases are filicide-suicide, in which case psychiatric and prison samples can't be used (Friedman et al, 2005). It isn't uncommon for a woman to suffer from depression and/ or psychosis post child-birth.

The chivalry hypothesis is a term coined by criminal justice scholars. Chivalry suggests that women who commit crime are awarded more lenient sentences than males who commit crime. One possible reason for the lenient sentencing is that women are generally viewed as the caregiver, or the loving mother. Another common stereotype is that women are emotionally "too weak" to commit violent crimes (Grabe, Trager, Lear, & Rauch, 2006). This study examines if and how the chivalry hypothesis affected five cases of filicide.

Over the past few decades, there have been studies that support and oppose the chivalry hypothesis. Those that support the hypothesis suggest that focusing on indirect aggression is causing society to refuse to recognize females' congenital ability to be physically aggressive (Pearson, 1997). Some argue that it is the type of offense rather than the severity of the offense that causes women to receive lesser sentences (Grabe, 2006).

Generally, women express aggression indirectly. For example, they gossip, spread rumors, name call, and ostracize their peers to cause both mental frustration and emotional damage. Is focusing on indirect aggression causing society to refuse to recognize females' congenital ability to be physically aggressive? (Pearson, 1997).

Margaret Farnworth and Raymond Teske, Jr. propose that there are two main causes for gender disparity in criminal justice proceedings: selective chivalry and differential discretion. Selective chivalry suggests that criminal justice officials knowingly permit disproportionate sentencing to white females. Differential discretion implies that chivalry is only used during informal decisions, instead of at more crucial stages, such as final sentencing (Farnworth & Teske, 1995).

Selective chivalry is based on the idea of the female stereotype. Females are seen to be more fragile, polite, and far more gracious than males, implying that women are to be held less accountable for their actions because they don't know how to properly control their emotions, nor are they able to withstand any severe punishment. Farnworth & Teske also suggest that the reason for gender disparity in sentencing is because judges and prosecuting attorneys view the female offender the way they would a female relative (1995). Therefore when a woman commits a crime, it is only "right" that a judge or a prosecuting attorney *selectively* chooses when to apply chivalry during criminal proceedings (Farnworth & Teske, 1995).

However, if a woman deviates from the normal female stereotype of the "non- aggressor", by participating in a violent crime, they are more likely to receive a severe sentence and chivalry is less likely to be included when making a sentencing decision. This is known as the typicality thesis of the chivalry hypothesis. The female not only gets punished for committing a violent offense, but for failing to behave as a woman is expected (Farnworth & Teske, 1995).

Differential discretion predicts that chivalry is used disproportionately during the beginning stages of criminal proceedings. The reason being is that the beginning stages of a trial are less formal, therefore, depending on the type of offense, the prosecuting attorney will generally reduce the charges or dismiss the case (Farnworth & Teske, 1995).

Essentially, the type of offense, the charge, gender, race-ethnicity, and age all contribute to gender disparity in court proceedings. For example, both gender and race predict whether or not an offender is more likely to receive a charge reduction, regardless of previous criminal history or age. Depending upon charge reduction, there may also be gender disparity in final sentencing (Farnworth & Teske, 1995).

Furthermore, African-American females are more likely to receive a charge reduction than African-American males. Males who aren't awarded a charge reduction are more likely to be sentenced to prison than women who aren't awarded a charge reduction (Farnworth & Teske, 1995).

Similarly, a female who is granted a charge reduction has a higher chance of receiving probation than a male who is also granted a charge reduction. The pattern continues to exist as far as age, and previous criminal history are concerned, in which females are always more likely to receive a lenient punishment, including African-American females (Farnworth and Teske, 1995).

However, African-American males suffer most, being least likely to be granted a charge reduction. Of all groups, females have the greatest probability to receive a reduction charge. However it is race, not gender that is the greatest predictor of whether or not charges would be reduced. Ultimately, the chivalry hypothesis is more complex with many variables contributing to sentencing disparity in criminal justice proceedings (Farnworth & Teske, 1995).

Other studies speculate as to whether or not the gender of the presiding judge plays a role in gender bias and sentencing. The 14th amendment requires equal protection under the Constitution. Therefore it is critical to determine whether the gender of the judge influences how an offender is going to be sentenced. If the punishment is going to vary based upon the sex of the judge, then ultimately it may be violation of the 14th amendment (Coontz, 2000).

Social psychologist Carol Gilligan suggests that there is a reason for why male and female judges sentence differently. Gilligan insists that men solve issues based on a justice perspective, and women solve issues based on a care perspective. Essentially, men tend to "define themselves" (Coontz, 2000) based on individual status and achievement, in turn causing male judges to make their decision based upon abstract reasoning and principles. On the other hand, female judges tend to focus on their interpersonal relationships with others, therefore they resolve moral disputes based on emotional responses and care in order to avoid causing stress to anyone involved (Coontz, 2000).

There are numerous reasons as to why male and female judges have discrepancies interpreting the same “factual matters” (Coontz, 2000). Personal experience, ethnicity, socioeconomic status, and race are all contributing factors to the irregularity in sentencing by men and women. The judge’s decision will also be different depending upon the type of case they are dealing with. If women are more affected by family matters as Gilligan suggests, then a family court case may be more relevant to gender disparities in sentencing than a criminal court case (Coontz, 2000).

Williams, Simon and Landis’ 1991 study concluded that women were less likely than men to be convicted of a crime. However other researchers found that females only receive lenient treatment during the sentencing stage, not during guilt and innocence phase (Williams, 1999).

Homicide studies conducted by Mann indicate that less than half of women who were arrested for murder in 1996 received a prison sentence, also receiving a six and a half years less than males arrested for the same offense. A similar study was conducted by Curran in 1983 when assessing the role the chivalry hypothesis played in felony cases. Curran studied “gender effects on negotiations, prosecution, and conviction, and severity of disposition” (Williams, 1999). Curran concluded that males were treated equally for negotiations, prosecution, and conviction. However they did receive more severe sentences than their female counterpart (Williams, 1999).

Williams (1999) insists that judges use their discretion by applying different variables to different types of sentencing. For instance, when dealing with females, prior criminal history determines whether or not a woman will receive probation. If she does receive probation, it also determine what the length of her sentence will be (Williams, 1999). On the other hand, when handling male offenders, Williams found that in addition to criminal history, bail status was also taken into consideration before and when probation was granted (1999).

It is important to note that race, which is, or is at least supposed to be an insignificant factor, is applied to females and not to males when considering incarceration (Williams, 1999). Moreover, Williams’ findings contradict several other studies by saying that white women had a higher incarceration rate than non-white women.

However another reason for this could be because the white women who participated in the study committed more felonies than the non-white women. In conclusion, legally relevant factors were used to determine sentencing and sentence length for both male and female offenders; however, they weren’t reinforced as strictly in regards to females (Williams, 1999).

A related area of concern in gender biased sentencing is that of capital punishment. In 1972, the Supreme Court in *Furman V. Georgia* determined that the death penalty was a violation of the 8th and 14th amendment. In 1976, in *Gregg V. Georgia*, the Supreme Court held that capital punishment did not always violate the 8th and 14th amendment as long as certain standards were met. There is substantial evidence indicating that there are far more men than women who are sentenced to the death penalty (Reza, 2005).

Between the years 1973 and 2002 there were 859 individuals who were executed. Of that 859 only 10 were female, accounting for 1.2 % of women. This means that 98.8% of people executed are males. Moreover, in 2002 there were 3,557 inmates on death row, 51 of them were women, which is only 1.4% of females, and 98.6% of men (Reza, 2005).

There are several explanations as to why the number of men executed far exceeds that of women. As discussed previously, the chivalry hypothesis suggests that women aren’t sentenced to death as often as men because they are seen as emotionally weak and therefore are less responsible for their actions. The “evil woman” theory suggests that a woman is punished due to the fact that the crime she committed was violent and heinous, and contradictory to how society believes a woman should behave. Statutory bias implies that the reason more men are on death row than women is because the statutory capital punishment law is not gender neutral, although it is intended to be (Reza, 2005).

In 2005, women accounted for 22% of homicides committed and murder arrests combined. In death penalty cases, both aggravating and mitigating factors play a role in the defendants’ sentence. Therefore, if men are “inherently more evil than women”, and women are viewed as none other than self-righteous, loving human beings, then such factors may “inherently encourage capital punishment for male defendants” (Reza, 2005). When aggravating and mitigating factors intersect with a gender bias theory, such as the chivalry hypothesis, it makes it “highly probable that most women will never see the inside of death row” (Reza, 2005).

By examining five diverse case studies, my research assesses whether or not the chivalry hypothesis may have influenced the perpetrator’s sentence.

Andrea Yates:

On June 20th, 2001 Andrea Yates drowned her five children in the bathtub of her home. Yates pled not guilty by reason of insanity. On March 12th, 2002 a jury concluded that she was guilty and Andrea was sentenced to life in prison.

However, due to false testimony by psychiatrist Dr. Park Dietz, the verdict was overturned and Andrea was awarded a second trial. Yates' second trial began on June 26th, 2006 and a month later on July 26th, a jury found her not guilty by reason of insanity and sentenced her to life in North Texas State Hospital's maximum security campus in Vernon, Texas.

Although Andrea Yates had no previous criminal history, it is critical to recognize her extensive history of mental illness. Andrea Yates was first hospitalized on June 17th, 1999, after overdosing on Trazodone, a psychoactive drug that was prescribed to her father. Yates was diagnosed with "major depressive disorder, single episode, severe" (O'Malley, 2005). A psychiatrist prescribed Andrea an antidepressant and she was released from the hospital seven days later on June 24th (O'Malley, 2005).

Not even a month later Andrea was hospitalized a second time after she attempted to slice her neck with a knife on July 20th, 1999. Andrea's diagnosis was "major depressive disorder, severe, recurrent, with psychotic features; rule out schizophrenia" (O'Malley, 2005). Andrea was prescribed the antipsychotic drug Zyprexa, which she would flush down the toilet.

It was noted by Andrea's doctors that her symptoms consisted of both "audio and visual hallucinations" (O'Malley, 2005). Yates' also admitted that "she'd had her first 'vision' when Noah was born" (O'Malley, 2005). Andrea envisioned herself stabbing Noah with a knife. According to her doctor, Andrea appeared to have been suffering from post-partum psychosis, which threatens not only the health of the mother, but the child as well (O'Malley, 2005).

After recognizing Andrea's symptoms, her doctor prescribed Haldol Decanoate, an injectable antipsychotic medication. In addition, Yates was also prescribed two anti-depressants, Wellbutrin XR and Effexor XR. These medications appeared to benefit Andrea. Her husband, Rusty Yates, said he felt like he "had his wife back" (O'Malley, 2005).

Andrea's anti-psychotic medications seemed to be working so well that she informed her doctor that she would be coming off the medication so that she could have another child. Her doctor warned her that if she stopped taking her injections of Haldol Decanoate that future psychotic episodes were likely to occur. Andrea ignored the warning and in November of 2000, she gave birth to her youngest child, Mary. Three months after Mary's birth, Andrea Yates' father passed away, causing Andrea to tailspin into another deep depression.

Concerned, Yates' husband called her doctor for a referral to a mental health hospital. Andrea Yates was referred to Dr. Mohammed Saeed, who requested a court ordered commitment to Austin State Hospital, for fear that Yates was a harm not only to herself, but to others as well.

Dr. Saeed continued Yates on the anti-depressants Wellbutrin XR and Effexor, and placed her on a new anti-psychotic medication called Risperdal. Andrea was released on April 13th 2001. It wasn't long before Yates was again admitted to Devereux Texas Treatment Network. On May 3rd, 2001 Andrea Yates filled her bathtub under the delusion that she couldn't pay her bills and needed to have extra water in case of emergency. It was then that Dr. Saeed agreed to prescribe the anti-psychotic Haldol (O'Malley, 2005).

Andrea Yates's condition began to stabilize, yet her behavior never changed drastically. Therefore, a month later, Dr. Saeed decided to discontinue Yates's Haldol injections, and he never prescribed another anti-psychotic medication in place of it. Andrea Yates had her last appointment with Dr. Saeed on June 18th, 2001. Two days later she drowned her five children (Spencer, 2005).

As discussed previously, several scholars believe that when women commit a crime that violates the female stereotype, that chivalry does not play a role, they receive a harsh punishment regardless. Clearly Yates' murders of her kids violate the stereotype of a loving, caring, protective mother. However, right from the beginning Andrea Yates's punishment never fit the crime. Even during the first trial when they found her sane they still did not sentence her to death. Instead, they opted for life in prison. Then, when the verdict was appealed due to false testimony, she received a more lenient sentence than she received at the first trial. The second verdict found her not guilty by reason of insanity. Why, because of false testimony about a television series? Surely that cannot be the sole reason for the change in outcome. After reading and analyzing several articles, I have found that Andrea's gender is not the reason why she escaped the death penalty. However, the reason her life was spared, was due to her history of mental illness.

Susan Smith:

On October 25th, 1994 Susan Smith drove to John D. Long Lake with her 3 year old son Michael and 14 month old Alex. Susan put the car in neutral and watched as the car rolled into the lake, drowning the 2 boys. Susan Smith later claimed that she had been carjacked by an African American man who drove off with her children still in the vehicle. On July 22nd, 1995, Susan Smith was found guilty of two counts of capital murder and was sentenced to life in prison. Smith will be eligible for parole in the year 2025, when she is fifty three years old (Rekers, 1996).

The jury determined that Susan Smith went through several traumatic experiences as a child and adolescent, therefore causing significant impairment in her judgment. These traumatic experiences include her fathers' suicide when she was just six years old, her brothers attempted suicide and the molestation by her stepfather when she was fourteen years old. The incest continued to occur up to three months before the murder of her children (Rekers, 1996).

Overnight Susan Smith's story broadcast internationally. Susan Smith was portrayed as a distraught mother whose children had been kidnapped by a black carjacker. The nation immediately empathized for Susan Smith. Everyone in her community wanted to help Susan and David get their two little boys back home (Taflinger, 1996). The day after the boys were announced "missing" reporter Gary Henderson Oct 26th of the *Spartanburg Herald-Journal* did an interview with Susan who pled for the release of her children. Susan was quoted saying "If they're lying somewhere dead, I want them home. Oh, God, I can't bear to think of that" (Rekers, 1996).

Regional newspaper and television coverage turned into national media coverage soon after Susan Smith's confession. Press coverage shifted from the initial standpoint of the distraught mother who had lost her children, to media accounts soon portraying Susan as a troubled adolescent who was a victim of sexual abuse. In addition they began to acknowledge Susan's previous suicide attempts and her "affairs" with married men (Hasian & Flores, 2000).

Due to the massive amount of media coverage defense attorney David Bruck, requested that the judge ban television cameras from the courtroom so that the prosecution and witnesses wouldn't be influenced (Taflinger, 1996). However Jay Bender, the attorney representing media organizations argued that Susan Smith generated national media coverage on her own, when she participated in local and national interviews that launched her story, therefore they should have access. Judge William Howard agreed with the defense and banned televised media from the court room proceedings (Taflinger, 1996).

Although defense attorney David Bruck got what he wished, it didn't erase the racial tension between the Caucasian and African American communities in South Carolina. Smith's accusation was painful to the black community because it displayed the "continued existence of racial images that resonated with many Americans" (Hasian & Flores, 2000). Susan Smith's brother Scott said that the Susan's faux accusation turned a "terrible misfortune into a racial issue" (Hasian & Flores, 2000). Another member of the African American community argued that Susan Smith's case was a classic example of the "stereotypical view of black men in America, that they are dangerous and that they should be imprisoned" (Hasian & Flores, 2000).

Although Smith hurt and insulted the African American community by accusing a black man of kidnapping her children, it did not seem to affect the jury's verdict. Of the twelve jurors on the Smith case, five of them were black. Of the five, four were males and one was female (McDonough, 1995; American Justice, 1997) Susan Smith could have received the death penalty, but she did not. Instead, the jury unanimously voted on life in prison. Therefore, I don't believe that any of the African American men, (who if anyone, would be most upset about Susan's accusation because it was directed toward them), or the African American women on the jury, took out their frustrations on Susan. They remained poised and professional and spared her life, regardless of how they felt about Susan's damaging and discriminative allegation.

In Smith's case, I believe that the chivalry hypothesis did play a role in Susan Smith's sentencing. If it hadn't, she would have been sentenced to the death penalty, which is the harshest punishment she could've received. However, the typicality thesis of chivalry suggests that chivalry and leniency is not applicable to women who commit the ultimate violent crimes, such as murdering their children, which Susan Smith did. Therefore, the typicality thesis rings untrue here.

Although Susan Smith was portrayed as an emotionally damaged adolescent whose depression and adjustment issues were caused by the sexual deviance of her stepfather, depression and suicidal ideation is simply not enough to cause a mother to murder her children. According to the National Institute of Mental Health, in the year 2006, depression had affected 14.8 million American adults (National Institute of Mental Health, 2006). The number of adults, who kill their children a year, is far less than those who suffer for depression. Therefore, I don't believe that depression and suicidal ideation justify the fact that Susan Smith murdered her sons.

Neurophysiologist George Rekers said although depression affects millions of people across the United States, it is extremely rare and unusual for someone diagnosed with depression to take their frustrations and anger out on other people by hurting them. In fact, depression is easily controllable with proper medication and almost all people who live with depression are able to live a normal and relatively healthy life as long as their depression is maintained (Schultz, 1995). Susan Smith's depression (which was caused by her fathers' suicide and molestation by her stepfather) should not have been the key reasons for why she was awarded a lesser sentence.

When comparing Susan Smith's case to the case study I conducted on Andrea Yates, I have found that the necessary punishment for Smith should have been the death penalty. Smith repeatedly

lied to police officers, family, friends, and the media about the whereabouts of her children, and although the sexual abuse from her stepfather began when she was thirteen, it lasted for ten years, until she was twenty three. As Smith grew older, she should have been able to make a conscious decision to stop the sexual abuse, particularly because she had moved out of her mother's home. Smith could have very well avoided Beverley Russell, yet according to psychiatrists, and Susan Smith herself, as she grew older, she claimed that the sexual interactions with her stepfather were consensual. Therefore, if Smith was depressed, then her sexual relationship with her step-father shouldn't have been the cause of her depression.

My research indicates that the reason Susan Smith did not receive the death penalty was due to the fact that the defense was successful in making Susan look like a grieving mother who was suffering from a warped childhood, filled with molestation, suicide, and depression. However, I have not found clear and convincing evidence that suggests Susan Smith was mentally ill at the time she killed her children.

Marcus Wesson:

On March 12, 2004, Marcus Wesson of Fresno, California, allegedly murdered his nine children. Among the nine children were Wesson's sons, daughters, and grandchildren; all of which he fathered. Marcus Wesson was also charged with 46 sex counts including rape and molestation of girls younger than fourteen.

Although Wesson displayed serious signs of mental illness, he refused to plead not guilty by reason of insanity and instead pled not guilty. On June 17th, 2005, a jury of five men and seven women found Wesson guilty of first degree murder. The jury found that he was a co-conspirator and the man responsible for the deaths of his nine children, although all DNA evidence pointed to his eldest daughter Sebhrenah as the one who actually pulled the trigger. Ten days later the same jury chose to sentence Marcus Wesson to death. On July 27th, 2005 Marcus Wesson was transported to Marin County where he entered death row at San Quentin State Prison (Francis, 2007).

What is unusual about Marcus Wesson's case is that unlike Andrea Yates and Susan Smith, Wesson never had any previous history of mental illness, at least none that is documented. The reason this is unusual is because Wesson's father was an alcoholic, who developed homosexual tendencies with his eighteen year old nephew, when Marcus was eighteen years old. According to sources, Marcus never showed any outward signs of anger towards his fathers' bisexuality (Francis, 2007). In addition, Marcus was a Vietnam War veteran. Many men who served in the Vietnam War suffered from post traumatic stress disorder, a life altering psychological disorder that causes hallucinations, flashbacks,

insomnia, and even violent behavior. In Marcus's case there were never any signs or clinical documentation of post traumatic stress disorder, or any other psychological illness that would result from the stresses of war (Francis, 2007; Najieb, 2005).

Another detail that is prevalent in Wesson's case but not in the others, is the incestuous relationships he had with his two of his daughters and three of his nieces. During the trial, it was also revealed that Marcus had sexual relations with two of his daughters and three of his nieces producing seven more children, who were also his grandchildren (Francis, 2007).

Marcus Wesson had strange beliefs in vampires, polygamy, and incest. Marcus justified incest to himself and the girls by telling them that having sex with a family member, who had similar genes, would produce a child that is a more perfected version of them. Marcus argued that the reason for polygamy was to create as many children "for the Lord" as quickly as possible. According to his niece Sofinas' testimony, the reason Marcus believed in vampires was because, like Christ, vampires also rise from the dead to live eternally (Ryan, 2005; Francis, 2007).

Marcus Wesson also had a previous minor criminal history, and was jailed for three months for welfare fraud and perjury; neither Andrea Yates nor Susan Smith had previous criminal histories (Francis, 2007). Another difference in Wesson's case was the modest media coverage it received. Although some media covered the funeral services and the trial, the Wesson case was of little interest nationally. Some have argued that this was due to the Michael Jackson child molestation trial that was taking place concurrently. However, the O.J. Simpson trial took place during the same time frame that Susan Smith murdered her two children and her case was broadcast across the world. Why? Why is it that the Smith case received such a large amount of attention and scrutiny? After all, the aggravating factors in the Wesson case far exceed those in the Smith and Yates cases.

What if it was Elizabeth who committed the murders? Would it have been a media obsession then? Moreover, would it have made a difference if it was a white male who committed the crimes that Wesson did?

The Wesson children were brutally murdered. Each child was shot in the right eye. Normally, the most horrific crimes sell the most newspaper. Yet the bloody deaths of the nine Wesson children captured little media attention both nationally and globally. In both the Yates and Smith case, the children died of asphyxiation, drowning. Some people may argue that their deaths were less violent; yet again they were made far more public than the Marcus Wesson case. To make matters more disturbing, Marcus Wesson had incestuous relationships with two of his daughters and three

of his nieces. The Wesson case has all factors that journalists and reporters can only wish for; violence, sexual abuse, and cult-like religious convictions. Why did the media fail, or refuse to explore such a horrific crime? Is it because it is easier to relate to the stresses of a woman?

There was little history of mental health problems in the Wesson family tree. Yet clearly Marcus Wesson had significant mental health issues since he was a man, who not only believed he was the Lord, but molested his children and nieces, and believed in vampirism. Marcus Wesson also served time in the Vietnam War as an ambulance driver. Could he have suffered from post traumatic stress disorder? According to the testimony of several of his daughters, his nieces, and neighbors, Wesson frequently spoke of the world “coming to an end” (Francis, 2007). Could he have felt this way due to his experiences in the Vietnam War? The main question here is why wasn’t their a significant focus on Wesson’s mental health? Andrea Yates mental health problems were a dominant factor in her trial. In addition, several of the books about Andrea contain interviews and discussions documents about her illnesses and hospitalizations from her physicians.

Another lingering question is why didn’t anyone contact the Department of Social Services? Were the women (particularly Sofina and Ruby) afraid for the lives of themselves, their children, or both? Did the women not want to separate their family for the sake of their children? There aren’t any concrete answers.

If Marcus’s wife Elizabeth knew about the long history of incest and sexual abuse, and didn’t say anything, should she too be held partially responsible for the molestation of her daughters and nieces? Moreover, should she be held somewhat responsible for the deaths of her children and grandchildren?

The chivalry hypothesis suggests that the criminal justice system sentences women more leniently than men. After analyzing the facts and the sentencing of the Andrea Yates case and the Susan Smith case, and comparing them with the Wesson case it appears that the chivalry hypothesis may hold true. Yates and Smith were both tried in death penalty states, yet neither received the death penalty.

In Wesson’s case, the only reason he was found guilty of murder was because the jury found him to be the “co-conspirator” in the deaths of at least two of the Wesson children. Wesson himself did not literally pull the trigger. Although Wesson coerced and forced his daughters and nieces to have sexual relations with him, evidence did not conclude that he physically murdered his children. In fact, all evidence pointed to his daughter Sebhrenah as the murderer. Therefore, why was Wesson sentenced to the

death penalty? Would he have been treated differently if he was a white man? Would it have been different if it was his wife who committed the crime?

Although it is my opinion that Marcus Wesson is a manipulative, deceiving, and disturbed man, who should be held accountable for his actions, pulling the trigger, was not his action, it was his daughters’. Therefore, I don’t believe it was fair for him to receive the death penalty. It is because he was sentenced to the death penalty that I believe the chivalry hypothesis rings true. Yates and Smith, both admit to having killed their children and are spared the death penalty, and are awarded more lenient sentences. Yet, Wesson, who was simply a co-conspirator to the murders, is given the most harsh sentence of all, death.

Michael and Carolyn Riley/ Helen Kirk:

The last two case studies cases are out of Massachusetts, which unlike the states in the other cases is not a death penalty state. Carolyn and Michael Riley from Hingham, Ma were arrested for allegedly overdosing their four year old daughter Rebecca on three powerful prescription drugs: Clonidine, Seroquel, and Depakote (Brookes, 2007; Tatz & Reinert, 2007). This case is extremely controversial based on a previous history of domestic violence and heated topic of medicating toddlers and young children.

In July, 2007, the two filed a motion for the judge to dismiss the indictment, on the grounds that the prosecution swayed the grand jury by omitting information relevant to the case, a hearing date has yet to be scheduled (Ellement, 2007).

On March 8th, 2005, Helen Kirk of Carver Massachusetts allegedly strangled her three year old son Justin to death. Kirk was arrested and charged with first degree murder. Kirk’s attorney Jack Atwood filed a petition for commitment in hopes that after a mental health evaluation, Helen would be found incompetent to stand trial, and able to plead not guilty by reason of insanity. However after four extensive mental health evaluations, Helen Kirk waived her right to a jury trial and on September 18th, 2007, a judge sentenced Helen to Taunton State Hospital. Kirk will be annually re-evaluated to determine whether or not she will be committed.

Conclusion:

After an intensive analysis the literature I argue that in Andrea Yates’s case the chivalry hypothesis did not apply, it did apply in Susan Smith’s case, and applied a second time in the case of Marcus Wesson. However, there were a variety of limitations to the study that could have affected the outcome of the research. First, there was a lot of subjectivity to how the study was

conducted. The study lacked face to face interviews confirming any of the information found in the literature. There was also very little, if any, literature on the relationship between the chivalry hypothesis and filicide. Secondly, two of the cases that were scheduled to go to trial during the time frame of the research, did not. Thirdly, this research study was predominantly qualitative and therefore the research design contained minimal amount of statistics. Given the ten week time period to complete the research, this study was strictly exploratory and numerous questions are left to be answered.

For future research I suggest examining how race and social class can contribute to how the criminal justice system sentences individuals, both male and female. Another remaining question is: does the salaciousness of the crime affect the amount of media attention a case receives? Lastly, how does gender intersect with race, social class, and the salaciousness of the crime and how do all of these aspects affect not only sentencing, but how and when the chivalry hypothesis if at all is applied?

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